

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
No. 7:22-CR-10(3)

FILED IN OPEN COURT  
ON 1-11-2022  
Peter A. Moore, Jr., Clerk  
US District Court  
Eastern District of NC  
JFA

UNITED STATES OF AMERICA )

v. )

INDICTMENT

ALIOSKA MACHADO GALAN; and )  
JHONNY FRANK MACHADO HERRERA. )

The Grand Jury charges that:

THE COUNT

Beginning in and around March 2019, the exact date being unknown to the Grand Jury, and continuing until on or about March 3, 2021, in the Eastern District of North Carolina and elsewhere, the defendants, ALIOSKA MACHADO GALAN and JHONNY FRANK MACHADO HERRERA, did knowingly and intentionally combine, conspire, confederate, agree and have a tacit understanding with each other and other persons, known and unknown to the Grand Jury, to distribute and possess with the intent to distribute a quantity of a mixture and substance containing a detectable amount of 4F-MDMB-BINACA <sup>BUTINACA (CER)</sup>, a Schedule I controlled substance analogue as defined by Title 21, United States Code, Section 802(32), knowing the substance was intended for human consumption as provided in Title 21, United States Code, Section 813, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

### FORFEITURE NOTICE

Notice is hereby given that all right, title and interest in the property described herein is subject to forfeiture.

Upon conviction of any felony violation of the Controlled Substances Act charged herein, the defendant shall forfeit to the United States, pursuant to 21 U.S.C. § 853(a), any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of the said offense, and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the said offense.

Upon conviction of any violation of 18 U.S.C. §§ 1956, 1957 or 1960 charged herein, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 982(a)(1), any property, real or personal, involved in such offense, or any property traceable to such property.

Upon conviction of any violation of the Gun Control Act, the National Firearms Act, or any other offense charged herein that involved or was perpetrated in whole or in part by the use of firearms or ammunition, the defendant shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and/or 26 U.S.C. § 5872, as made applicable by 28 U.S.C. § 2461(c), any and all firearms and ammunition that were involved in or used in a knowing or willful commission of the offense, or, pursuant to 18 U.S.C. § 3665, that were found in the possession or under the immediate control of the defendant at the time of arrest.

The forfeitable property includes, but is not limited to, the following:

Forfeiture Money Judgment:

- a) A sum of money representing the gross proceeds of the offense(s) charged herein, in the amount of at least \$2,330,740.69.

If any of the above-described forfeitable property, as a result of any act or omission of a defendant: cannot be located upon the exercise of due diligence; has been transferred or sold to, or deposited with, a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty; it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the forfeitable property described above.

A TRUE BILL:

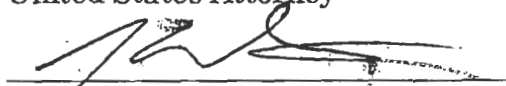
**REDACTED VERSION**

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

FOREPERSON

DATE: 11/11/22

MICHAEL F. EASLEY, JR.  
United States Attorney

  
BY: J.D. KOESTERS  
Assistant United States Attorney

  
BY: CHAD RHOADES  
Assistant United States Attorney